

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ANTONIO BERRY, #03256-043

PETITIONER

VERSUS

CIVIL ACTION NO. 5:06cv171DCB-MTP

CONSTANCE REESE, Warden FCI-Yazoo; ET AL.

RESPONDENTS

FINAL JUDGMENT

This cause is before the Court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion issued this day, it is hereby,

ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed as frivolous, without prejudice, and to the extent that the petition can be construed as a § 2255 motion it shall be dismissed for this Court's lack of jurisdiction, with prejudice.

SO ORDERED AND ADJUDGED, this the 3rd day of January, 2007.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE